

Appl. No. 10/726, 778  
Amendment dated August 8, 2005  
Reply to office action of 04-06-05

### R E M A R K S

By the above-identified office action, the restriction requirement has been made final; Claims 1, 4, 6, 7 and 16 have been withdrawn from consideration; and Claims 9, 11, 12, 14 and 15 remaining in the case have been rejected. As to Claims 9 and 14 and Claims 11 and 12 the same art rejections were made as in the previous Office Action and Claim 15 has been rejected under 35 USC 112, second paragraph, as indefinite, for certain specified particulars. By the present amendment, amendments have been made to the claims and arguments are presented that are believed to place the entire case in condition for allowance as appears more fully below.

Regarding the art rejection, the examiner noted in the Office Action that the Claim 9 reads on the prior art insofar as "the reservoir and filter cartridge of the reference device are not connected to the pitcher in this device, water will be retained in the first and second flow passages of this filter cartridge when the pitcher is downwardly tilted to pour water" (Office Action, page 3). By the present amendment, the independent Claim 9 has been amended to overcome the rejection.

As now amended, the Claim 9 stipulates for the water retaining means to retain the water remaining in the first and second flow passageways when the filter housing adapted for removable insertion inside said standalone pitcher-type water purification device is inserted inside said water pitcher-type water purification device and said standalone point of use pitcher-type water purification device is downwardly tilted in said preferred pouring direction to pour treated water out of the pitcher-type water purification device.

The independent Claim 9 as now amended accordingly is believed to be readily patentably distinct over DE 3535679 A1 in view of Kahana and as such does not need to be further discussed herein.

Regarding the 112, second paragraph, rejection of Claim 15, attached in the appendix are the FIGURES 1 and 4 of the drawings marked up to illustrate that when the pitcher is downwardly tilted the outlet port of the filter is indeed tilted upwardly. When the water pitcher 12 is tilted downwardly as schematically illustrated by the arrows marked "A" in the FIGURES 1 and 4, the spillover wall 60 will be tilted upwardly as schematically illustrated by the arrows marked "B" therein.

The independent Claim 15 accordingly is believed to now be free of the 35 USC 112, second paragraph, rejection and as such does not need to be further discussed herein.

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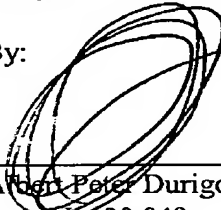
Since for the foregoing reasons the present amendment is believed to place the entire case in condition for allowance without presenting new search issues or introducing new matter, its entry at this time is considered to be proper.

Entry of the amendment and early allowance of Claims 9, 11, 12, 14 and 15 remaining in the case are accordingly believed to be in order and such action is hereby respectfully requested. The examiner is cordially invited to telephone the undersigned in order to discuss any matter that may facilitate the further prosecution of the instant application for patent.

Respectfully submitted,

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